

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL BAIRD,
Plaintiff,
v.
OFFICE DEPOT,
Defendant.

Case No. 3:12-CV-06316-EMC

**REQUEST AND [PROPOSED] ORDER TO
CONTINUE DISCOVERY HEARING SET
FOR OCTOBER 9, 2013**

DATE: October 9, 2013
TIME: 1:00 p.m.
COURTROOM: A
JUDGE: Magistrate Judge Nathanael Cousins

Defendant Office Depot Inc., hereby requests that this Court continue the discovery hearing in this case, currently scheduled for October 9, 2013 at 1:00 p.m., to the next available court date. This Request is not brought to delay this matter or for any improper purpose.

On September 26, 2013, this Court set a discovery hearing in this matter for October 9, 2013 at 1:00 p.m. Unfortunately, counsel for Defendant Office Depot, Inc. is required to attend a previously scheduled, non-refundable mediation in another matter, a class action, also on October 9, 2013. Pursuant to Civil Local Rule 7-11, Counsel for Defendant requested that Plaintiff Michael Baird stipulate to the continuance of this hearing, but Plaintiff refused. See Declaration of Alexa Woerner in Support of Defendant's Request to Continue Discovery Hearing at ¶¶ 4-5. Accordingly,

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(NO. 3:12-CV-06316-EMC)

**REQUEST AND [PROPOSED] ORDER
TO CONTINUE DISCOVERY HEARING**

1 Defendant now brings this request for a continuance of the October 9, 2013 discovery hearing in this
2 case to the next available court date.
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6 Dated: October 3, 2013

/S/Alexa Woerner
MICHAEL E. BREWER
ALEXA L. WOERNER
LITTLER MENDELSON, P.C.
Attorneys for Defendant
OFFICE DEPOT, INC.

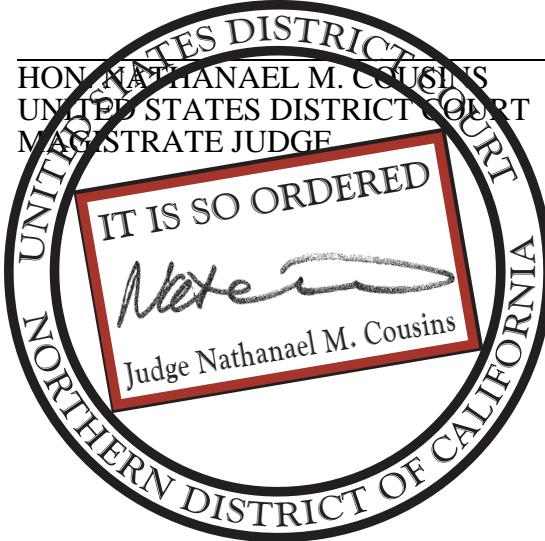
10 **[PROPOSED] ORDER**

11 Good cause appearing, the Court hereby continues the discovery hearing in this matter,
12 currently scheduled for October 9, 2013, at 1:00 p.m. to October 16, 2013 at 1:00 p.m.

13 **IT IS SO ORDERED.**

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15 Dated: October 3, 2013

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REQUEST AND **[PROPOSED] ORDER**
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